

sion of the United States, or to said District, in interstate commerce, or to transport or cause to be transported from one State, Territory, or possession of the United States, or from the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, any article of merchandise manufactured after June 13, 1907, and made in whole or in part of gold or silver, or any alloy of either of said metals, and having stamped, branded, engraved, or printed thereon, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which said article is incased or inclosed, any mark or word indicating or designed or intended to indicate that the gold or silver or alloy of either of said metals in such article is of a greater degree of fineness than the actual fineness or quality of such gold, silver, or alloy, according to the standards and subject to the qualifications set forth in sections 295 and 296 of this title.

(June 13, 1906, ch. 3289, §1, 34 Stat. 260.)

#### SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-450, §1, Oct. 1, 1976, 90 Stat. 1501, provided: "That this Act [amending section 295 of this title and enacting provisions set out as a note under section 295 of this title] may be cited as the 'Gold Labeling Act of 1976'."

#### SHORT TITLE

Act June 13, 1906, ch. 3289, which enacted this section and sections 295 to 300 of this title, is popularly known as the "Jewelers' Liability Act (Gold and Silver Articles)" and also as the "National Gold and Silver Stamping Act of 1906".

#### CROSS REFERENCES

Article of merchandise defined, see section 299 of this title.

Penalty for violating provisions of this section, see section 298 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 295, 296, 297, 298, 299, 300 of this title.

### § 295. Standard of fineness of gold articles; deviation

In the case of articles of merchandise made in whole or in part of gold or of any of its alloys so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in section 294 of this title, the actual fineness of such gold or alloy shall not be less by more than three one-thousandth parts than the fineness indicated by the mark stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed: *Provided*, That in any test for the ascertainment of the fineness of any article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or

uniting the parts of said article: *Provided further*, That, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold or of its alloys contained in an article mentioned in this section, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such gold, alloys, and solder being assayed as one piece), shall not be less by more than three one-thousandth parts, in the case of a watchcase or flatware, or than seven one-thousandth parts, in the case of any other such article, than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative.

(June 13, 1906, ch. 3289, §2, 34 Stat. 260; Pub. L. 94-450, §2, Oct. 1, 1976, 90 Stat. 1501.)

#### AMENDMENTS

1976—Pub. L. 94-450 substituted "three one-thousandth parts" for "one-half of one carat", "in an article mentioned in this section" for "in such article", "than three one-thousandth parts, in the case of a watchcase or flatware, or than seven one-thousandth parts, in the case of any other such article," for "than one carat", struck out "in the case of any article mentioned in this section" which followed "*Provided, further*, That", and exception which permitted the actual fineness of gold or its alloys used for watchcases and flatware to be not less by more than three one-thousandth parts the fineness indicated by stamp or label.

#### EFFECTIVE DATE OF 1976 AMENDMENT

Section 3 of Pub. L. 94-450 provided that: "The amendments made by section 2 of this Act [amending this section] shall take effect five years after the date of enactment of this Act [Oct. 1, 1976] and shall not apply with respect to any article of merchandise which is sold by any manufacturer or importer before the effective date of such amendments."

#### CROSS REFERENCES

Article of merchandise defined, see section 299 of this title.

Penalty for violating provisions of this section, see section 298 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 294, 298, 299, 300 of this title.

### § 296. Standard of fineness of silver articles; deviation

In the case of articles of merchandise made in whole or in part of silver or any of its alloys so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in section 294 of this title, the actual fineness of the silver or alloy thereof of which such article is wholly or partly composed shall not be less by more than four one-thousandth parts than the actual fineness indicated by any mark (other than the word "sterling" or the word "coin")